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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,894	01/03/2001	Zoran Kostic	2000-0137	1343

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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,894

Applicant(s)

KOSTIC ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-17 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-4, 10-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Godoroja (US 5,485,463).

1. Regarding claims 1, 3 and 14-15, Godoroja discloses a method for use in a time division wireless communication system (abstract, lines 1-2). The system transmits simulcasting information and dedicated message information (Figures 4 and 6) from base stations which are proximately located (Figure 3) and having the same wireless frequency channel (col. 3, lines 35-36). Frames are transmitted by the base stations (Figure 6) which comprise control information (Figure 6, item 104, 106, 108) and allocating simulcast information and dedicated message information to time slots of the same frame predetermined by the control information (col. 6, lines 48-52).
2. Regarding claim 2, the control information is varied between time slots (col. 6, lines 48-52) such that proximate base stations transmit control information (Figure 6, items 117 and 118) at different predetermined time slots (Figure 3; col. 3, lines 63-67).
3. Regarding claims 4 and 11-12, the amount of simulcast information and the dedicated message information varies over time (col. 5, lines 60-65; col. 6, lines 51-53).
4. Regarding claim 10, the slots are interspersed (Figure 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being obvious over Godoroja, as applied to claim 1 or 3 above, in further view of Pessoa (US 6,535,552).

5. Regarding claims 6 and 8, Godoroja does not disclose simulcast information being present in time slots with extended cyclic extension time to mitigate channel dispersion. Pessoa discloses that channel dispersion results in intersymbol interference (col. 2, lines 37-44), reduced by relieving time constraints of the system. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have simulcast information in longer time slots in the invention of Godoroja in order to avoid important paging information in the simulcast time slot from having errors.

Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being obvious over Godoroja, as applied to claim 1 above, in further view of Heinonen et al. (US2002/0090042).

6. Regarding claims 9 and 13, Godoroja does not disclose simulcast information transmitted in an OFDM system with time slots. Heinonen discloses simulcast information transmitted in an OFDM system with time slots (abstract, lines 1-3; Figure 10) in order to have a spectrum efficient system (para. 5). Therefore, it would have been obvious to one skilled in the art at the time the invention was made use OFDM in the invention of Godoroja.

Claims 16 and 17 rejected under 35 U.S.C. 103(a) as being obvious over Godoroja in further view of Heinonen et al. (US2002/0090042).

7. Regarding claims 16 and 17, Godoroja discloses a method for use in a time division wireless communication system (abstract, lines 1-2). The system transmits simulcasting information and dedicated message information (Figures 4 and 6) from base stations which are proximately located (Figure 3) and having the same wireless frequency channel (col. 3, lines 35-36). Frames are transmitted by the base stations (Figure 6) which comprise control information (Figure 6, item 104, 106, 108) and allocating simulcast information and dedicated message information to time slots of the same frame predetermined by the control information (col. 6, lines 48-52). However, Godoroja does not disclose simulcast information transmitted in an OFDM system with time slots. Heinonen discloses simulcast information transmitted in an OFDM system with time slots (abstract, lines 1-3; Figure 10) in order to have a spectrum efficient system (para. 5). Therefore, it would have been obvious to one skilled in the art at the time the invention was made use OFDM in the invention of Godoroja.

Art Unit: 2666

Allowable Subject Matter

8. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



October 1, 2003

Seema S. Rao
SEEMA S. RAO 10/1/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600